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SECOND EDITION.

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"Truth is like a Torch :  
The more it's Shook, it Shines."

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POPULAR TOPICS, No. 1.

# Brief for Plaintiff

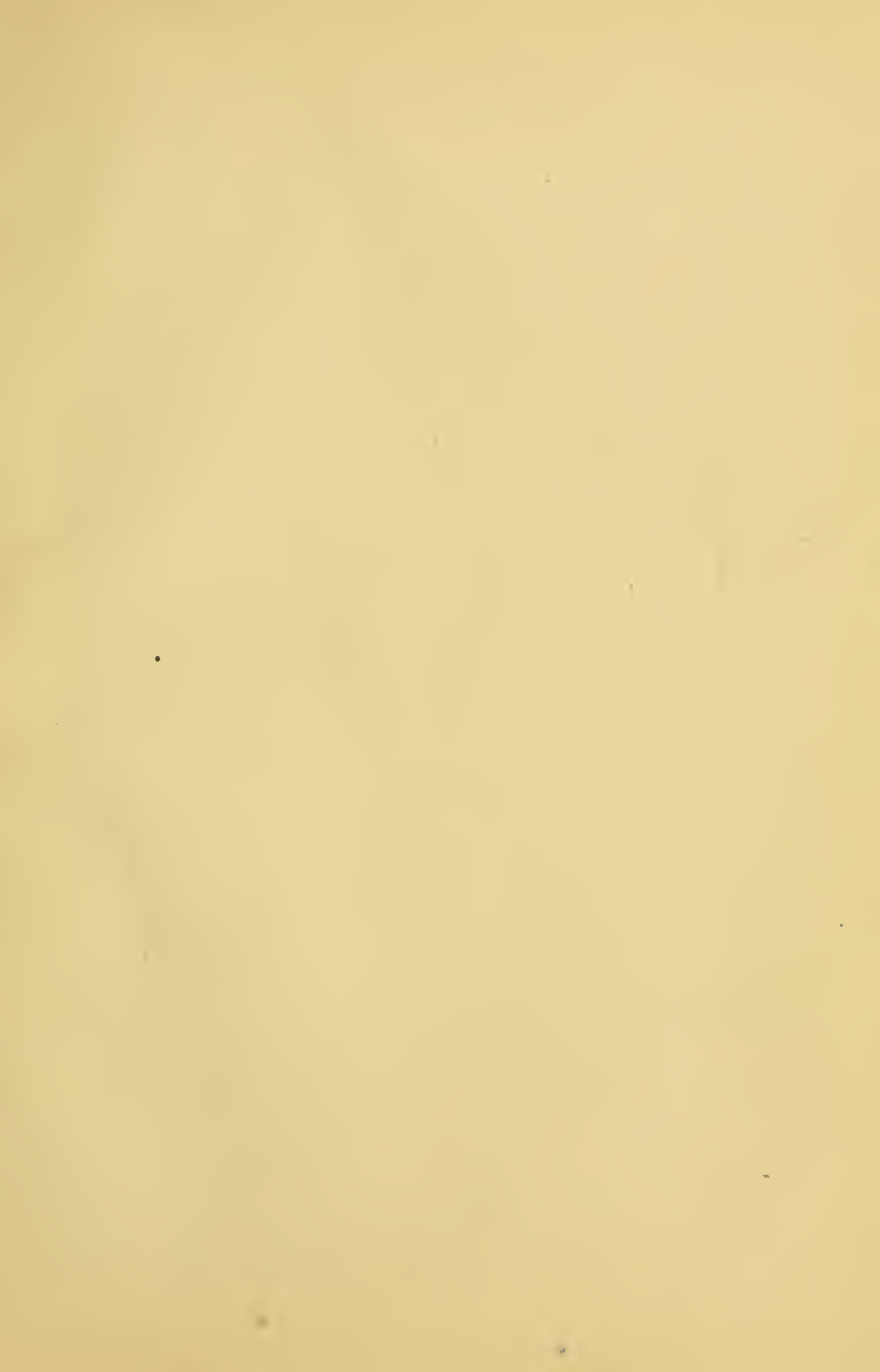
*Bacon vs. Shakespeare.*

BY

EDWIN REED.









"Truth is like a Torch : The more it's Shook, it Shines."

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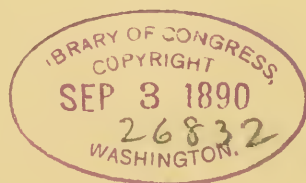
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# Brief for Plaintiff.

Bacon vs. Shakespeare.

BY

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EDWIN REED.



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## INTRODUCTORY.

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In the following Brief for the Plaintiff, Bacon *vs.* Shakespeare, in an action of ejectment, now on trial, it is intended to cite such facts only as are generally agreed upon by both parties, and in the main to let those facts, trumpet-tongued, speak for themselves. Like the lines that mark the sea-coast on our maps, each separate proof shades off in a thousand fine corroborating circumstances, which are often very interesting, as well as important for a full knowledge of the subject. Mr. Donnelly's cipher, for the present purpose at least, is clearly beyond soundings. For further information, the reader is respectfully referred to the works of Delia Bacon, Mrs. Pott, Richard Grant White, Dr. Rolfe, Judge Holmes, Appleton Morgan, and last, but not least, our own Donnelly; not to mention numerous others which the world, it is to be feared, will soon be too small to contain.



## PREFACE TO SECOND EDITION.

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We may say of improbabilities, as we do of evils : choose the least.

It is antecedently improbable that the Shakespeare Plays, for which the whole domain of human knowledge was laid under contribution, were written by William Shakespeare, for he was uneducated.

It is also antecedently improbable that Francis Bacon, whose name for nearly three hundred years has been a synonym for all that is philosophical and profound, who was so great in another and widely different field of labor that he gave a new direction for all future time to the course of human thought, was the author of them.

And yet, to one or the other of these two men we must give our suffrage for the crowning honors of humanity.

In the claim for Shakespeare, the improbability is so overwhelming that it involves very nearly a violation of the laws of nature. No man ever did, and, it is safe to say, no man ever can, acquire knowledge intuitively. One may be a genius like Burns, and the world be hushed to silence while he sings; but the injunction,

"In the sweat of thy brow shalt thou eat thy bread," is as true of intellectual as it is of physical life, everywhere. The fruit of the tree of knowledge can be reached only by hard climbing, the sole instance on record in which it was plucked and handed down to the waiting recipient having proved a failure.

In the case of Bacon, however, the improbability is one of degree only. It is, in fact, not entirely without precedent. Fortune has more than once emptied a whole cornucopia of gifts at a single birth. What diversity, what beauty, what grandeur in the personality of Leonardo da Vinci! He was author, painter, sculptor, architect, musician, civil engineer, inventor—and in each capacity, almost without exception, eminent above his contemporaries. His great painting, the Last Supper, ranks the third among the products in this branch of modern art, Raphael's Madonna di San Sisto and Michael Angelo's Last Judgment being respectively, perhaps, first and second. At the same time, he was the pioneer in the study of the anatomy and structural classification of plants; he founded the science of hydraulics; he invented the camera obscura; he proclaimed the undulatory theory of light and heat; he investigated the properties of steam, and anticipated by four centuries its use in the propulsion of boats; and



he barely missed the great discovery which immortalized Newton. Indeed, we see in Leonardo da Vinci, not a mountain only, but a whole range of sky-piercing peaks!

Another illustrious example is Goethe, scarcely inferior to Bacon, whatever the claims made for the latter, in the brilliancy and scope of his powers. As a poet, Goethe was a star of the first magnitude, a great blaze of light in the literary heavens. His *Faust* is one of the six great epic poems of the world. As a writer of prose fiction he stands in the front rank, his "*Wilhelm Meister*" a classic side by side with "*Ivanhoe*," "*Middlemarch*," and "*The Scarlet Letter*." By a singular coincidence, also, as compared with Bacon, he was one of the master spirits of his age in the sphere of the sciences. An evolutionist before Darwin, he beheld, as in a vision, what is now becoming clear, the application of law to all the phenomena of nature and life. In botany, he made notable additions to the then existing stock of knowledge; and throughout the vast realm of biology he not only developed new methods of inquiry, but he spread over it the glow of imagination, without which the path of discovery is always doubly difficult to tread. In the light of precedents, therefore, the claim made in behalf of Bacon to the authorship of the *Plays* can not be discredited.

The reader is now asked to measure the relative im-  
probabilities in question for himself.

E. R.

CHICAGO, September 1, 1890.

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## IN THE TRIBUNAL OF HISTORY.

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*Bacon*  
*vs.*  
*Shakespeare.* } BRIEF FOR PLAINTIFF.

1. It is conceded that the author of the Shakespeare Plays was not only the greatest genius of his age—perhaps of any age—but a man of most profound and varied scholarship.

He was a linguist, many of the Plays being based on Greek, Spanish, and Italian productions which had not then been translated into English. Latin and French were seemingly as familiar to him as a mother tongue. It is believed that not less than six foreign languages, living and dead, were included in his repertory.

He had intimate acquaintance with ancient and modern literature, numerous authors, from the age of Plato down to his own, being drawn upon for illustration and imagery in the composition of these works.

He was a jurist—

“With a deep technical knowledge of the law,”  
and an easy familiarity—

"With some of the most abstruse proceedings of English jurisprudence."—*Lord Chief Justice Campbell.*

His fondness for legal phrases is remarkable, but it is still more remarkable that—

"Whenever he indulges in this propensity, he uniformly lays down good law."—*Idem.*

One of the sonnets (46) is so intensely technical in its phraseology that—

"Without a considerable knowledge of forensic procedure, it can not be fully understood."—*Idem.*

He was a philosopher—

"There is an understanding manifested in the construction of Shakespeare's Plays equal in profoundness to the great Lord Bacon's *Novum Organum*."—*Carlyle.*

"He was inconceivably wise."—*Emerson.*

"From his works may be collected a system of civil and economical prudence."—*Dr. Johnson.*

The author's mind was thus not only a fountain of inspiration from its own illimitable depths, but enriched with all the stores of knowledge which the world had then accumulated.

2. Shakespeare's family was grossly illiterate. His father and mother made their signatures with a cross. His daughter Judith, also, at the age of twenty-seven, years, could not write her name. The little we know of

his own youth and early manhood affords presumptive proof of the strongest kind that he was uneducated.

3. The Shakespeare family had no settled or uniform method of spelling their name. More than thirty different forms have been found among their papers and on their tombstones, and in contemporaneous public records. Shakespeare himself wrote it invariably one way, and it appeared in his published works invariably in another.\*

4. Shakespeare's handwriting, of which we have five specimens in his signatures to legal documents, was not only almost illegible, but singularly uncultivated and grotesque, wholly at variance with the description given of the manuscripts of the Plays in the preface to the folio edition of 1623. The editorial encomium was in these words:

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\* Shakespeare's method of spelling the name, so far as it can be deciphered from his autographs, was *Shakspere*; on the fly-leaves of his works it was printed *Shakespeare*. His brother, Gilbert, wrote it *Shakespeir*. In a mortgage deed by the corporation of London, it is *Shakspere*. The indorsement on an indenture between Shakespeare and two of his neighbors in Stratford, spells it *Shackspeare*. Among other forms discovered in the records of the family are the following: *Shaxpur*, *Chackspere*, *Schakespeare*, *Skagspere*, *Shakaspere*, *Shaykspere*, and *Schakespayr*. Wise publishes a list of four thousand variations, so thorough has been the search in every direction for anything that would throw light on the man Shakespeare, and help, as Emerson says, "to marry his life to his verse."

“ His mind and hand went together ; and what he thought, he uttered with that easiness, that we have scarce received from him a blot in his papers.”

In this connection, we reproduce the five autographs of Shakespeare, the only acknowledged specimens of his penmanship in existence, in *fac-simile* :

W<sup>m</sup> Shakspeare

William  
Shakspeare

William  
Shakspeare

William Shakspeare

William Shakspeare

Mr. C. F. Gunther, of Chicago, has in his possession what he considers a sixth specimen, recently discovered, and bearing on its face, as one evidence at least of its genuineness, the same marks of difficult and painful labor characteristic of the others. We append a *fac-simile* of this one also :

William Shakspeare

5. Shakespeare made no mention of any literary property in his will. He was careful to specify, among other bequests, his "second-best bed," but not a book, not a copy of one of his own books, not even a manuscript, though such immortal dramas as *Macbeth*, *Tempest*, and *Julius Cæsar* were unpublished at the time of his death.

6. No letter written by him to anyone has come down to us, and but two addressed to him, and those making no reference to literature. An inspection of his autograph is alone sufficient to explain the paucity of his correspondence, if not its absolute non-existence. The original manuscripts of the Plays have, without exception, strangely disappeared.

7. It is believed that Shakespeare left his home in Stratford and went to London sometime between 1585 and 1587. He was then twenty-one to twenty-three years of age. One of the first of the Shakespeare Plays to be produced on the stage was *Hamlet*, and the date not later than 1589. It was founded on a foreign tragedy of which no translation then existed in English. As first presented, it was probably in an imperfect form, being subsequently rewritten and enlarged into what is now, perhaps, the greatest individual work of genius the human mind has produced. To assume that Shakes-

peare, under the circumstances in which he was then placed, at so early an age, fresh from a country town where there were few or no books, and from a family circle whose members could not read or write, was the author of this play—even in its rough state an uncut diamond—would seem to involve a miracle as great as that imputed to Joshua—in other words, a suspension of the laws of cause and effect.

8. Setting aside Shakespeare, Bacon was the most original, the most imaginative, and the most learned man of his time.

“The most exquisitely constructed intellect that has ever been bestowed on any of the children of men.”—*Macaulay*.

“His imagination was fruitful and vivid; a temperament of the most delicate sensibility.”—*Montagu*.

“He belongs to the realm of the imagination, of eloquence, of jurisprudence, of ethics, of metaphysics; his writings have the gravity of prose, with the fervor and vividness of poetry.”—*Welsh*.

“Who is there that, hearing the name of Bacon, does not instantly recognize everything of genius the most profound, of literature the most extensive, of discovery the most penetrating, of observation of human life the most distinguishing and refined.”—*Edmund Burke*.

“Shakespeare and the seers do not contain more expressive or vigorous condensations, more resembling inspiration; in Bacon, they are to be found everywhere.”—*Taine*.

Addison, referring to a prayer composed by Bacon,



says that "for elevation of thought and greatness of expression it seems rather the devotion of an angel than a man."

The critics all concur in ascribing to Bacon a particularly powerful poetic faculty. No man ever had an imagination, says Macaulay, "at once so strong and so thoroughly subjugated. In truth, much of Bacon's life was passed *in a visionary world, amidst things as strange as any that are described in the Arabian tales.*"

9. Bacon came of a family eminent for learning. His father, Nicholas Bacon, was Lord Chancellor and Keeper of the Great Seal under Elizabeth; his mother, daughter of Sir Anthony Coke, tutor of the king.

Of Bacon's mother, Macaulay writes:

"She was distinguished both as a linguist and a theologian. She corresponded in Greek with Bishop Jewell, and translated his *Apologia* from the Latin so correctly that neither he nor Archbishop Parker could suggest a single alteration. She also translated a series of sermons on fate and free-will from the Tuscan of Bernado Ochino. Her sister, Katherine, wrote Latin hexameters and pentameters which would appear with credit in the *Musæ Etonenses*. Mildred, another sister, was described by Roger Ascham as the best Greek scholar among the young women of England, Lady Jane Gray always excepted."

10. Bacon had an insatiable craving for political preferment, and, as abundantly shown on many occasions,

he was perfectly willing to be false to himself in order to secure it. The reputation of being a poet, and particularly a dramatic poet, would have compromised him at court. In those days, play-acting and play-writing were considered scarcely respectable. The first theater was erected in London in 1575, ten or twelve years only before the earliest production of *Hamlet*. The Government, in the interest of public morals, frowned upon the performances. The Lord Mayor, in 1597, at the very time when the greatest of the Shakespeare Plays were coming out, denounced the theater as a "place for vagrants, thieves, horse-stealers, contrivers of treason, and other idle and dangerous persons." Taine speaks of the stage in Shakespeare's day as "degraded by the brutalities of the crowd, who not seldom would stone the actors, and by the severities of the magistrates, who would sometimes condemn them to lose their ears." He thus describes the play-house as it then existed :

"On a dirty site on the banks of the Thames rose the principal theater, the Globe, a sort of hexagonal tower, surrounded by a muddy ditch, on which was hoisted a red flag. The common people could enter as well as the rich; there were six-penny, two-penny, even penny seats; but they could not see it without money. If it rained, and it often rains in London, the people in the pit—butchers, mercers, bakers, sailors, apprentices—received the streaming rain upon their heads. I suppose they did not trouble themselves about it; it

was not so long since that they began to pave the streets of London, and when men like these have had experience of sewers and puddles, they are not afraid of catching cold.

“While waiting for the piece, they amuse themselves after their fashion—drink beer, crack nuts, eat fruits, howl, and now and then resort to their fists; they have been known to fall upon the actors and turn the theater upside down. At other times, when they were dissatisfied, they went to the tavern to give the poet a hiding, or toss him in a blanket. When the beer took effect, there was a great up-turned barrel in the pit, a peculiar receptacle for general use. The smell rises, and then comes the cry, ‘Burn the juniper!’ They burn some in a plate on the stage, and the heavy smoke fills the air. Certainly, the folk there assembled could scarcely get disgusted at anything, and can not have had sensitive noses.”

It may easily be imagined that Bacon, considering his high birth, aristocratic connections, and aspirancy for official honors, and already projecting a vast philosophical reform for the human race, would have shrunk from open alliance with an institution like this.

II. To his confidential friend, Sir Tobie Matthew, Bacon was in the habit of sending copies of his books as they came from the press. On one of these occasions, he forwards, with an air of mystery, and half apologetically, certain works which he describes as the product of his “recreation,” called by him, also, curiously, “works of the alphabet,” upon which not even Mrs. Pott’s critical acumen has been able to throw, from sources other than

conjecture, any satisfactory light. In a letter addressed to Bacon by Matthew while abroad, in acknowledgment of some "great and noble token of favor," we find this sentence :

"The most prodigious wit that ever I knew, of my nation or of this side of the sea, is of your Lordship's name, though it be known by another."

It has been suggested, not without reason, that the "token of favor" sent to Matthew was the folio edition of the Shakespeare Plays, published in 1623. It is certain that Matthew's letter was written subsequently to January 27, 1621.

12. Bacon kept a commonplace book, which he called a *Promus*, now in the archives of the British Museum. It consisted of several large sheets, on which from time to time he jotted down all kinds of suggestive and striking phrases, proverbs, aphorisms, metaphors, and quaint turns of expression, found in the course of his reading, and available for future use. With the exception of the proverbs from the French, the entries, one thousand six hundred and eighty in number, are in his own handwriting. These verbal treasures are scattered, as thick as the leaves of *Vallambrosa*, throughout the Plays. Mrs. Pott finds, by actual count, four thousand four hundred and four instances in which they are re-

produced there—some of them, in more or less covert or modified form, over and over again. We can almost see the architect at work, imbedding these gems of beauty and wisdom in the wonderful structures to which, according to Matthew, he gave the name of another. Scarcely a trace of them appears in Bacon's prose works. They seem to constitute a store-house of materials for exclusive use in the composition of the Plays.

Perhaps the most interesting feature of the *Promus* is the group of salutory phrases it contains, such as good-morning, good-day, and good-night, which had not then come into use in England, but which occur four hundred and nineteen times in the Plays. These salutations, however, were common at that time in France, where Bacon, as attaché of the British Embassy, had spent three years in the early part of his life. To him we are doubtless indebted for these little amenities of speech.

13. In 1867 there was discovered in a private library in London a box of old papers, among which were some manuscripts of Francis Bacon, bound together in the form of a volume. In the table of contents on the title-page, among the names of other compositions known to be Bacon's, appear those of two of the Shakespeare Plays, *Richard II.* and *Richard III.*, though the Plays themselves have been abstracted from the book. Judge

Holmes adds the following piece of information in regard to this discovery:

“ The blank space at the side and between the titles is scribbled all over with various words, letters, phrases, and scraps of verse in English and Latin, as if the copyist were merely trying his pen and writing down whatever came into his head. Among those scribblings, beside the name of Francis Bacon several times, the name of William Shakespeare is written eight or nine times over. It is also at least a singular coincidence that the extraordinary word ‘*honorificabilitudino*,’ found here, but not in any dictionary then issued, occurs in *Love’s Labor’s Lost*. ”

14. At the death of Queen Elizabeth, John Davis, the poet and courtier, went to Scotland to meet James I. To him, while on the journey northward, Bacon addressed a letter, asking kind intercession in his behalf with the King, and expressing the hope, in closing, that he (Davis) would be “good to concealed poets.”

15. Stratford, the home of Shakespeare, is not referred to in any of the Plays, nor the beautiful river Avon, on which it is situated; but St. Albans, the residence of Bacon, is mentioned twenty-three times. Tender memories of Yorke Place, where Bacon was born, and of the County of Kent, the home of his father’s ancestry, are conspicuous in more than one of the Historical Plays.

16. Bacon was remarkably painstaking in all the

minutiæ of his work. He rewrote the *Novum Organum* twelve times, and the Essays thirty times, before he deemed them fit for the press. No wonder the editors of the Plays remarked upon the beauty and neatness of the copy.

17. With the exception of a brief but brilliant career in Parliament, and an occasional service in unimportant causes as attorney for the crown, Bacon seems to have been without employment from 1579, when he returned from France at the age of eighteen, to 1598, when he published his first volume of Essays. Here were nineteen of the best years of his life apparently run to waste. The volume of Essays was a small 12mo, containing but ten out of the fifty-eight sparkling gems which subsequent editions gave to the admiration and delight of posterity. His philosophical works, excepting a slight sketch in 1585, did not begin to appear till several years later. In the meanwhile, he was hard pressed for money, and failing to get relief (unhappily, before the days of Samuel Weller) in a vain effort to marry a wealthy widow, he was actually thrown into prison for debt.

That he was idle all this time, under great pecuniary pressure, his mind teeming with the richest fancy, it is impossible to admit. Such a hypothesis is utterly incon-



sistent with the possession of those fixed, almost phenomenal, habits of industry with which he afterwards achieved magnificent results. On this point, indeed, we have interesting testimony from his mother. A woman of deep piety, mindful of the proprieties of her station in life, she evidently became alarmed over some mystery connected with her son. Probably she had a suspicion of its nature, for not even the genius that created Hamlet could subdue maternal instincts. In a letter to Anthony, the brother of Francis, under date of May 24, 1592, she expresses her solicitude, as follows:

"I verily think your brother's weak stomach to digest hath been much caused and confirmed by untimely going to bed, and then musing *nescio quid*\* when he should sleep."

At another time, when the two brothers were together at Gray's Inn, and full of enthusiasm, as she knew, for the wicked drama, she wrote, begging them—

"Not to mum nor mask, nor sinfully revel."

It may be added, that with the appointment of Bacon to high office, and his advent into public life, the production of the Shakespeare Plays suddenly ceased.

18. Ben Jonson was Bacon's private secretary, and presumably in the secret, if there were any, of his employer's literary undertakings. In this fact we find the

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\* I know not what.



key to the exquisite satire of the inscription, composed by him and printed opposite Shakespeare's portrait in the folio of 1623, of which the following, in reference to the engraver's art, is an extract :

“ O, could he but have drawn his wit  
As well in brasse, as he hath hit  
His face, the print would then surpass  
All that was ever writ in brasse.”

19. Bacon's authorship of the Plays was not unsuspected during his life-time. When he was appointed by the Queen to join in the prosecution of Essex for treason, and was assigned to that count of the indictment which charged connivance with the play-actors in producing the play of Richard II., he protested, on the ground that his name was already bruited about in that connection, and that it would now be said of him, in derision, that he gave in evidence *his own tales*. These rumors could have originated only in the recognized inadequacy of the reputed authorship.

20. With the exception of the isolated play of King John, the historical series, depicting English history, extends from the deposition of Richard II. to the birth of Elizabeth in the reign of Henry VIII. In this long chain, there is one break, and one only—the important period of Henry VII., when the foundations of social

order, as we now have it, were firmly laid. The omission, on any but the Baconian theory of authorship, is inexplicable, for the dramatist could hardly have failed, except for personal considerations, to drop his plummet into the richest and most instructive experiences of political life that lay in his path. The truth is, Bacon wrote a history of the missing reign in prose, which exactly fills the gap. The one is tongued and grooved, as it were, into the other.

21. The Plays, as they came out, were first published anonymously. Several of them had been in the hands of the public for years before the name of Shakespeare appeared on the title-page. Other plays, not belonging to the Shakespearean canon, and most of them of very inferior merit, were also given to the world as Shakespeare's. We have fifteen of these heterogeneous compositions attributed to the same "divine" authorship—geese and eagles coming helter-skelter from a single nest—at a time when Coke, the law officer of the government, declared poetasters and playwrights to be fit subjects for the grand jury as "vagrants." It was enough for the impecunious authors of these plays that Shakespeare, manager and part proprietor of two theatres, and amassing a large fortune in the business, was willing, apparently, to adopt every child of the drama laid on his door-step. This accounts for the venomous shaft which Greene in

his envy aimed at him. Greene was a writer for the stage, and took occasion one time, in a little squib addressed to his professional brethren, to refer to one "Shake-scene" as "an upstart crow, beautified with our feathers." It is evident, nevertheless, that Shakespeare was a favorite *nom de plume* with the dramatic wits of his time.

22. The first complete edition of the Plays, substantially as we now have them, was the famous folio, from the author's manuscripts, of 1623. Its titles number thirty-six, and may be classified, for our present purpose, as follows: Plays previously printed, in various quartos, at dates ranging from 1597 to 1609, ten; those not previously printed, but known to have been produced on the stage, sixteen; lastly, those, so far as we know, entirely new, ten. Of the Plays in the first class, it is found, by comparison, that several had been rewritten, and in some cases greatly enlarged, during the fourteen years, or more, since the period of their first appearance. The same is probably true of some in the second class, though on this point we are, naturally enough, without means of verification. In any event, however, it is certain that the compositions which were new, together with those which, by changes and accretions, had been made new, constitute no inconsiderable part of the book. Who did

this work? Who prepared it for the press? Shakespeare died in 1616, seven years before the folio was published, and for six years before his death he had lived in Stratford, without facilities for such a task, and in a social atmosphere in the highest degree unfavorable for it. On the other hand, Bacon retired to private life in 1621, at the age of sixty, in the plenitude of his powers, and under circumstances that would naturally cause him to roll this apple of discord, refined into the purest gold, down the ages.

The most astonishing feature of this controversy is the light it has thrown on the literature of the Elizabethan age. Among the great men who made that age famous, no one, with the exception of Jonson, seems to have taken any notice either of Shakespeare or of the sublime creations which bear his name. Bacon's silence, itself very significant, and Jonson's doubtful panegyrics are explained; but what shall we say of Raleigh, Sydney, Hooker, Drake, Hobbes, Herbert, Walton, Pym, and the rest? Imagine the inhabitants of Lilliput paying no attention to Gulliver!

"Since the constellation of great men who appeared in Greece in the time of Pericles, there was never any such society; yet their genius failed them to find out the best head in the universe."—  
*Emerson.*

The popular prejudice against the drama, behind which, as an almost impenetrable veil, the Shakespeare Plays were once hid, is only now passing away. Josiah Quincy tells us that, as late as in 1820, it was whispered among the boys fitting for college at Phillips Academy, in Andover, Mass., that a professor in the neighboring theological seminary had among his books, to the evident jeopardy of his soul, the works of a playwright, named Shakespeare!

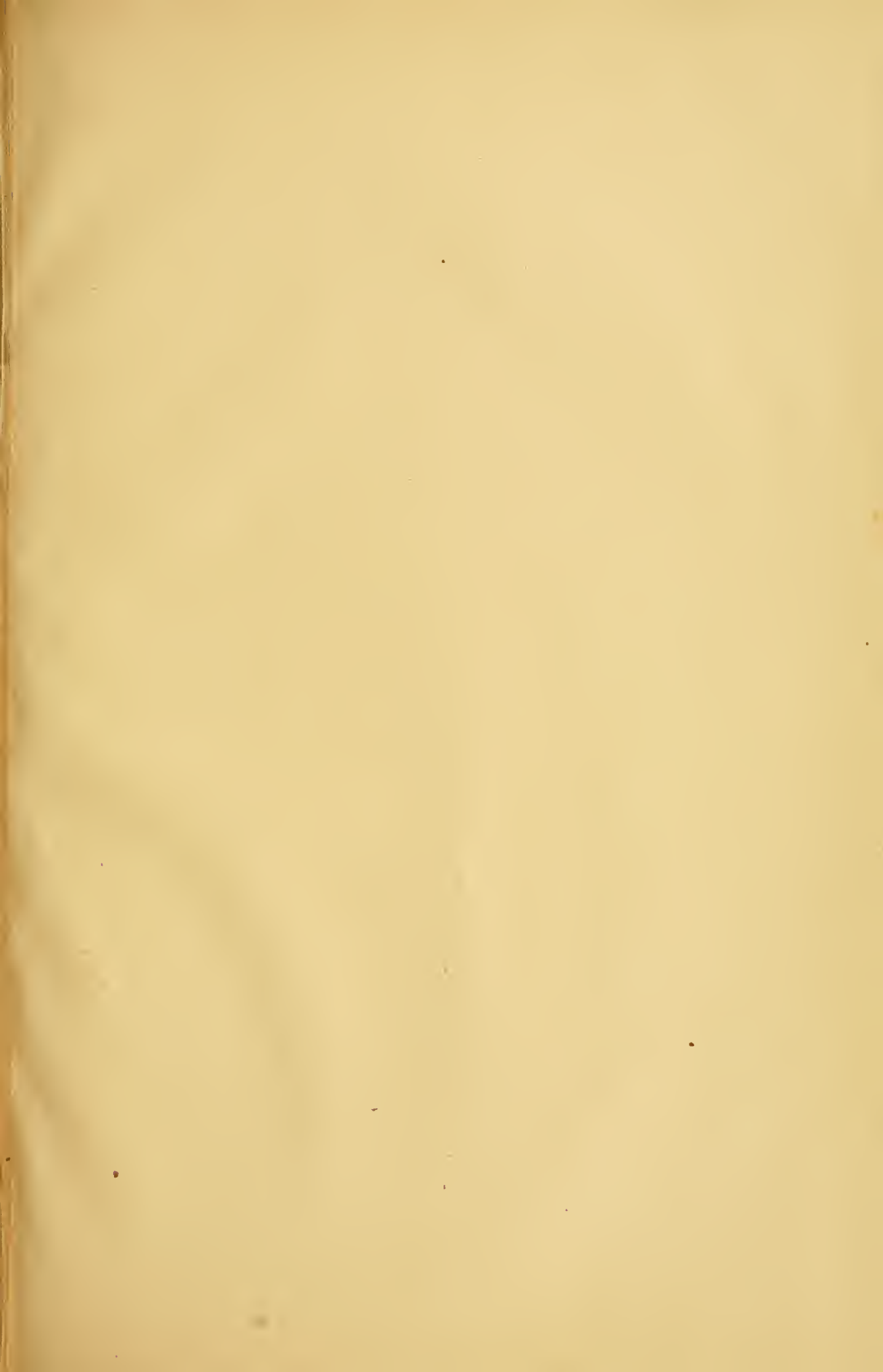
If Bacon was the author of the Shakespeare Plays, as it now appears probable that he was, it is difficult to exaggerate, in a literary point of view, the importance of the discovery. To our own countrywoman, Delia Bacon, belongs the everlasting honor, and also, alas! in the long line of the world's benefactors, the crown of martyrdom.

















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